



Paper No. 7

PAUL J. FARRELL, ESQ.
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

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OFFICE OF PETITIONS

In re Application of :
Moon-Jung Ko : DECISION GRANTING
Application No. 09/853,102 : PETITION
Filed: 10 May, 2001 :
Atty's Docket No. 678-614(P97) :

This is a decision on the renewed petition filed on 17 October, 2001, requesting that the above-identified application, including Figure 8 described in the specification, be accorded a filing date of 10 May, 2001.

The petition is GRANTED.

On 10 May, 2001, the application was filed.

On 6 July, 2001, Initial Patent Examination Division mailed a Notice of Omitted Items in a Provisional Application stating that the application had been accorded a filing date of 10 May, 2001, but that Figure 8 described in the specification appeared to have been omitted. The petition filed on 25 July, 2001, was dismissed on 4 October, 2001.

In response, on 17 October, 2001, the present renewed petition was filed. Petitioner argues that Figure 8 was filed with the other application papers on 10 May, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied on 17 October, 2001. The postcard receipt shows an Office date stamp of 10 May, 2001, and acknowledges receipt of, *inter alia*, nine (9) sheets of drawings. Petitioner requests that the application, including one (1) sheet of drawings containing Figure 8, be accorded a filing date of 10 May, 2001.

A review of the record reveals that eight (8) sheets of drawings containing Figures 1A-B and 2-7 are located among the application papers deposited on 10 May, 2001. However, the evidence is convincing that the application papers deposited on 10 May, 2001, included nine (9) sheets of drawings containing Figures 1A-B and 2-8. Therefore, the application, including one (1) sheet of drawings containing Figure 8, is entitled to a filing date of 10 May, 2001.

The "Notice" mailed on 6 July, 2001, is vacated.

In view of the above, the petition is granted. The petition fee of \$130.00 will be refunded.

The application will be processed and examined using the copy of one (1) sheet of drawings containing Figure 8.

After the mailing of this decision, the \$130.00 petition fee paid on 25 July, 2001, will be refunded to counsel's deposit account, No. 04-1121.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 10 May, 2001, using the application papers filed on 10 May, 2001, and the copy of one (1) sheet of drawings containing Figure 8 supplied on 17 October, 2001.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703.308.6918.



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy